



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: **BONNIE PEMBERTON**

Serial No.: **11/084,540**

Filing Date: **03/18/2005**

Title: **METHOD AND DEVICE FOR PREVENTING PETS FROM
CLAWING HOME FURNISHINGS**

Examiner: **Patricia L. Nordmeyer**

Art Unit: **1772**

MAIL STOP AMENDMENT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

DECLARATION OF CHRIS RUBEN

1. My name is Chris Ruben. I am over 21 years of age, of sound mind and willing and able to make the following Declaration.
2. I am the president and chief executive officer of CMR Creative Marketing Resources, Inc., a Texas corporation in good standing. The company is in the business of marketing pet products to distributors and consumers throughout the United States and abroad. Over a period of 8 years, my company has been involved in marketing products for Fe-Lines, Inc., including the invention of the application noted above.
3. While I have sold pet products for many years, I am not an expert in the field of plastics, adhesives or adhesive tapes. Moreover, I am not an expert in the field of packaging. I consider myself one of ordinary skill in the art when it comes to the subject matter of the invention disclosed in the application.
4. The product has been immensely successful in the marketplace. It has grown from a market share of approximately zero in 1996 to a zenith to control a market share of approximately 80% of this product in the United States.
5. I have attended domestic and international trade shows at which the product of Fe-Lines incorporating the elements of the invention has been displayed. I have witnessed the presentation of the competing products in these same trade shows indicating that the product of the invention incorporating the elements of the invention and the competitor's products move in

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the same channels of trade. Moreover, at least one of Fe-Lines' customers of the product incorporating the elements of the invention has purchased one of the competing products providing further evidence of the same customers and channels of trade.

6. Before competitors began copying the product, there was no product that incorporated the advantages of the claimed invention on the marketplace. Specifically, those claimed advantages include among others a bisected release layer, and other features such as a transfer sheet, a control sheet adjacent to the transfer sheet, a bisected release layer adjacent to the control sheet, and wherein the first release sheet and the second release sheet abut but do not overlap. The abutment provides the ability to peel one layer from the transfer sheet and apply it while leaving a non-sticky surface to help in handling. Moreover, the product is useful around "corners" of furniture where an unbisected release layer would not function at all.

7. Advantages contained within the corrugated embodiment of the product that are important to the success of the product includes a strip (control sheet) with one surface being releasable adhered to a corrugated substrate and the other surface being adhered to a release layer. Customers have expressed to me they have purchased and continue to use and be pleased with the invention disclosed in the corrugated embodiment because of the combination of the rigid corrugated substrate with a releasable adhere strip and the release layer.

8. In my experience, customers are extremely satisfied and pleased with the claimed features and function of the invention. For example, at trade shows, I have been directly approached by customers who have directly stated the combination of the transfer sheet, the strip and "two-part"/bisected release layers aids in the application of the invention to furniture and the like. Customers have also expressed satisfaction regarding the gap between the strips on the transfer sheet. Additionally customers have told me that they are pleased in the adhesive's ability to deter their pets' behavior because it causes an unpleasant sticking sensation when touched.

9. Additionally, large-scale buyers of the product have commented that products incorporating the elements of the invention sell well because of its claimed features, including, but not limited to the bisected release layer, the combination of the transfer sheet, the strip and "two-part"/bisected release layer and the adhesives' ability to cause an unpleasant sticking sensation.

I declare under penalty of perjury that the foregoing is true and correct.

Date:

09/06/06



Chris Ruben